

RESOLUTION NO. 75655

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SPECIFYING THE COUNCIL'S DETERMINATIONS ON PROPOSED AMENDMENTS TO THE SAN JOSE 2020 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE

(Fall 2010 General Plan Amendments)

WHEREAS, the City Council is authorized by Title 18 of the San Jose Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San Jose; and

WHEREAS, on August 16, 1994, the City Council adopted the General Plan entitled, "SAN JOSE 2020 GENERAL PLAN, San Jose, California," dated March, 1994, by Resolution No. 65460, which has since been amended by the Council; and

WHEREAS, the original copy of the General Plan and all amendments thereto (hereinafter collectively the "General Plan") are on file in the office of the Director of the Department of Planning, Building and Code Enforcement; and

WHEREAS, in accordance with Title 18 of the San Jose Municipal Code, all General Plan amendment proposals are referred to the Planning Commission of the City of San Jose for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on November 3, 2010 and December 1, 2010 the Planning Commission held a public hearing to consider the proposed amendments to the General Plan for the Fall 2010 cycle that are listed in Exhibit "A" hereto ("Fall 2010 General Plan Review"), at which

interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed 2010 Fall General Plan Amendments; and

WHEREAS, an original copy of the proposed 2010 Fall General Plan Amendments is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with a copy submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San Jose Municipal Code, public notice was given that on December 7, 2010, at 7:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San Jose, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed Fall 2010 General Plan Amendments; and

WHEREAS, on December 7, 2010, at 7:00 p.m., the Council held a duly noticed public hearing and gave all persons full opportunity to be heard and to present their views with respect to the proposed Fall 2010 General Plan Amendments; and

WHEREAS, the Council reviewed, considered, and adopted Resolutions regarding the Mitigated Negative Declarations for Project Nos. GP10-06-01 and GP10-10-01, prior to making its determination on the proposed Fall 2010 General Plan Amendments and Text Amendments for Project Nos. GP10-06-01 and GP10-10-01; and

WHEREAS, the Council reviewed and considered the Environmental Impact Report for Project No. GP10-04-01 prior to the Council's determination on the proposed Fall 2010 General Plan Amendments and Text Amendments for Project No. GP10-04-01; and

WHEREAS, the Council reviewed, considered and adopted a resolution certifying the Environmental Impact Report for Project No. GP09-08-05/GPT09-08-05/PDC10-001 prior to making its determination on the proposed Fall 2010 General Plan Amendments and Text Amendments for Project No. GP09-08-05/GPT09-08-05; and

WHEREAS, environmental clearance was incomplete for Project Nos. GPT05-08-01/GP05-08-01A-F, GP09-07-02, GP05-06-03, GP05-03-07, and GP07-10-02; and

WHEREAS, the Council is the decision-making body for all of the proposed General Plan amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. The Council's determinations regarding the Fall 2010 General Plan Amendments are hereby specified and set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION 2. This Resolution and the Council's determinations on each of the Fall 2010 General Plan Amendments specified in Exhibit "A" shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this 7th day of December, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, PYLE; REED.

NOES: OLIVERIO.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:

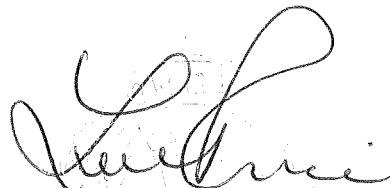


LEE PRICE, MMC
City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

I hereby certify that the amendments to the San Jose General Plan specified in the attached Exhibit "A" was adopted by the City Council of the City of San Jose on December 7, 2010, as stated in its Resolution No. 75655.

Dated: December 17, 2010



LEE PRICE, MMC
City Clerk

EXHIBIT "A"

District 3

GP05-03-07: A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation on a 14.23-acre site from Light Industrial to Medium High Density Residential (12-25 DU/AC) on 8.5 acres, High Density Residential (25-50 DU/AC) on 4.0 acres, and General Commercial on 0.5 acre. A portion of the former railroad spur consisting of approximately 1.23 acres would remain unchanged. CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Platten absent) recommend denial. Council Action: Denied (10-1, Oliverio opposed).

District 4

GP10-04-01: A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation from Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC) to General Commercial on 13.7 acres and Medium High Density Residential (12-25 DU/AC) 13.7 acres of the 27.4 acre subject site located at the southwest corner of E. Brokaw Road and Old Oakland Road (1040, 1060, & 1080 E. Brokaw Road)(Fox Properties/Markovits & Fox, Inc. Owner). CEQA: Fox Property General Plan Amendment Environmental Impact Report (EIR) Addendum, Resolution No.73578. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Platten absent) recommend approval. Council Action: Approved (10-1, Oliverio opposed).

District 6

GP05-06-03: A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (30+ DU/AC) on a 7.08-acre site located on the South side of Campbell Avenue, approximately 215 feet northwesterly of O'Brien Court (1185 Campbell Avenue) (GVC Owens LLC, Owner / Green Valley Corp., Owner/Barry Swenson Builder, Applicant)). CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Platten absent) recommend denial. Council Action: Denied (10-1, Oliverio opposed).

GP10-06-01: A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation from Office to Medium High Density Residential (12-25 DU/AC) on 5.16 acres of a 7.8 gross acre site, located on the west side of S. Monroe Street, approximately 400 feet north from Tisch Way & between Dudley and S. Baywood Avenues north of Tisch Way (485 S. Monroe

Street). (Pacific Bell, Owner / Silverstone, Applicant). CEQA: Mitigated Negative Declaration for GP10-06-01/PDC 10-018. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Kamkar absent) recommend approval. Council Action: Approved (10-1, Oliverio opposed).

District 7

GP09-07-02: A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation to add Mixed Industrial Overlay to an existing Heavy Industrial land use designation on a 3.95 gross-acre site, located on the east side of South 10th Street approximately 350 feet north of Burke Street (2159 S. 10th Street). (Provident Holdings & Investments LLC, Owner). CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Platten absent) recommend denial. Council Action: Denied (10-1, Oliverio opposed).

District 8

GPT05-08-01: A General Plan Text Amendment for various text revisions to the San José 2020 General Plan to address changes proposed through the Evergreen*East Hills Vision Strategy (EEHVS) process, including associated changes to the Evergreen Development Policy and General Plan Amendment applications (File Nos. GP05-08-01A through F). CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Kamkar absent) recommends denial. Council Action: Denied (10-1, Oliverio opposed).

GP05-08-01A (Arcadia): A General Plan Amendment to change the San José 2020 Land Use/ Transportation Diagram designation from Medium Low Density Residential (8.0 DU/AC), Industrial Park, Office, Public/Quasi-Public, and Public Park and Open Space with Mixed Use Overlay to Mixed Use with No Underlying Land Use Designation (up to 1,875 dwelling units, up to 150,000 square feet of commercial, and 12 to 18 acres of Public Park and Open Space) on an 81-acre site located on the south side of Quimby Road, 1,000-feet westerly of Capitol Expressway. (Arcadia Homes, Inc and Pepper Land-Quimby LLC Owner/Applicant) CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Kamkar absent) recommend denial . Council Action: Denied (10-1, Oliverio opposed).

GP05-08-01B (Pleasant Hills Golf Course): A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation from Private Recreation to Medium Density Residential (8-16 DU/AC), Public Park and Open Space, and Public/Quasi-Public on a 114-acre site at the northeast corner of Tully and South White Roads. (Duino Family Partners – Owner / KB Home

South Bay, Inc – Applicant) CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Kamkar absent) recommend denial . Council Action: Denied (10-1, Oliverio opposed).

GP05-08-01C (Campus Industrial - Berg): A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), Medium Low Density Residential (8 DU/AC) or Low Density Residential (5 DU/AC) and Public Park and Open Space on 175 acres at the southeast corner of Fowler and Yerba Buena Roads. (Mission West Props – Owner / Berg & Berg Developers – Applicant) CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Kamkar absent) recommend denial. Council Action: Denied (10-1, Oliverio opposed).

GP05-08-01D (Campus Industrial – IDS): A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC) or Medium Low Density Residential (8 DU/AC) and Public Park and Open Space on a 24 acre site on the east side of Yerba Buena Road opposite Verona Road. (IDS – Owner/ Applicant) CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Kamkar absent) recommend denial. Council Action: Denied (10-1, Oliverio opposed).

GP05-08-01E (Campus Industrial – Legacy): A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC) or Medium Low Density Residential and Public Park and Open Space on a 120 acre site located at the northeast corner of Yerba Buena and Old Yerba Buena Roads. (Legacy– Owner/ Applicant) CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Kamkar absent) recommend denial. Council Action: Denied (10-1, Oliverio opposed).

GP05-08-01F (Evergreen Valley College): A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation from Public/Quasi-Public to Mixed Use with No Underlying Land Use Designation (up to 500 dwelling units, up to 100,000 square feet of commercial, up to 95,000 square feet of office, and 0-2 acres for Public/Quasi-Public use) on a 27-acre site located at the north side of Yerba Buena Road, 350 feet easterly of San Felipe Road. (San José Evergreen Comm College Dist – Owner/ Applicant) . CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Kamkar absent) recommend denial. Council Action: Denied (10-1, Oliverio opposed).

GPT09-08-05/GP09-08-05: A General Plan Amendment to change the San José 2020 General Plan Land Use/Transportation Diagram designation from Village Center on 8.0 acres and Public Park and Open Space on 7.0 acres to Village Center on 15.0 acres and associated text changes to the Evergreen Specific Plan. CEQA: Mirassou Mixed Use Development Environmental Impact Report (EIR). Director of Planning, Building and Code Enforcement and Planning Commission (7-0) recommend approval. Council Action: Approved (10-1, Oliverio opposed).

District 10

GP07-10-02: A General Plan Amendment to change the San José 2020 Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on a 1.48-acre site, located on the north side of Grimley Lane, approximately 1,500 feet westerly of Almaden Road (1135 Grimley Lane) (Patel Amrat K & Kuverji Madhu C Trustee, Owner). CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Platten absent) recommend denial. Council Action: Denied (10-1, Oliverio opposed).

GP10-10-01: A General Plan Amendment to change the San José 2020 General Plan Land-Use/Transportation Diagram designation from Public Park and Open Space to Medium Density Residential (8-16 dwelling units per acre) on a 9.8 gross acre site, located on the Northwest corner of Blossom Hill Road and Southcrest Way (Lester, Walter C., Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission (5-1-1, Cahan opposed and Platten absent) recommend approval. Council Action: Approved (10-1, Oliverio opposed).